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13 Foxconn Electronics, Inc., Foxconn Technology Co.,

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15 UNITED STATES DISTRICT COURT

16 NORTHERN DISTRICT

17 SAN FRANCISCO DIVISION

18 ATS AUTOMATION TOOLING  
19 SYSTEM, INC. AND THERMAL FORM  
20 & FUNCTION LLC,

21 Plaintiffs,

22 vs.

23 FOXCONN ELECTRONICS, INC.,  
24 FOXCONN TECHNOLOGY CO., LTD.,  
25 HON HAI PRECISION INDUSTRY CO.,  
26 LTD., and DOES 1 THROUGH 10,

27 Defendants.

CASE NO. C03-2648 PJH

**DECLARATION OF PETER J. WIED IN  
SUPPORT OF DEFENDANTS' MOTION  
FOR SUMMARY JUDGMENT**

Date: March 9, 2005

Time: 9:00 a.m.

Judge: Hon. Phyllis J. Hamilton

**DECLARATION OF PETER J. WIED**

I, Peter J. Wied, declare as follows:

1. I have personal knowledge of the facts stated herein, except those stated on information and belief and, if called upon, could and would testify competently to them. I am an attorney at Alschuler Grossman Stein & Kahan, LLP (“Alschuler”), and I am counsel of record for Defendants Foxconn Electronics, Inc., Foxconn Technology Co., Ltd., Hon Hai Precision Industry Co., Ltd.

2. Attached hereto (under seal) as Exhibit A is a true and correct copy of the Expert Report of Dr. Robert J. Moffat dated December 8, 2004.

3. Attached hereto (under seal) as Exhibit B is a true and correct copy of the Expert Report of Matthew R. Lynde, PhD dated December 8, 2004.

4. Attached hereto as Exhibit C is a true and correct copy of Taiwan Patent No. 186,944 (“Yuan”) and a translation thereof, produced in this litigation with Bates numbers DEF20231 – DEF20251.

5. Attached hereto as Exhibit D is a true and correct copy of U.S. Patent No. 5,375,655 (“Lee”).

6. Attached hereto as Exhibit E is a true and correct copy of Research Disclosure Database Number 333100 published in January 1992, produced in this litigation with Bates numbers ATS000706 – ATS000707.

7. Attached hereto as Exhibit F is a true and correct copy of Japanese Patent No. 63-157,994 (“Tanaka”) and a translation thereof, produced in this litigation with Bates numbers DEF20203 – DEF20229.

8. Attached hereto as Exhibit G is a true and correct copy of an excerpt from Webster’s II New College Dictionary (2001).

9. Attached hereto (under seal) as Exhibit H is a true and correct copy of a drawing of Foxconn heat sink model 32P4003, produced in this litigation with Bates numbers DEF19790.

10. Attached hereto (under seal) as Exhibit I is a true and correct copy of a

1 drawing of Foxconn heat sink model 01R3329, produced in this litigation with Bates numbers  
2 DEF00055.

3 11. Attached hereto (under seal) as Exhibit J is a true and correct copy of a  
4 drawing of Foxconn heat sink model 22P4369, produced in this litigation with Bates numbers  
5 DEF00014.

6 12. Attached hereto (under seal) as Exhibit K is a true and correct copy of a  
7 drawing of Foxconn heat sink model 32P4001, produced in this litigation with Bates numbers  
8 DEF19790.

9 13. Attached hereto as Exhibit L is a true and correct copy of the Court's Claim  
10 Construction Order, dated August 30, 2004.

11 14. Attached hereto (under seal) as Exhibit M is a true and correct copy of excerpts  
12 from the deposition of Robert E. DeHoff.

13 15. Attached hereto as Exhibit N of the Declaration of Dr. Robert J. Moffat in  
14 Support of Plaintiffs' Opening Claim Construction Brief, filed in this litigation.

15 16. Attached hereto (under seal) as Exhibit O is a true and correct copy of excerpts  
16 from the deposition of Bruce Seeley.

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18  
19 I declare under penalty of perjury under the laws of the United States that the  
20 foregoing is true and correct.

21 Executed on January 28, 2005 at Santa Monica, California.

22  
23 /s/ Peter J. Wied